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Attorneys for Defendant JUUL LABS,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIA DE LA LUZ PEREZ BAUTISTA, LUZ
PEREZ BAUTISTA and SALVADORA
CORREA, on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

JUUL LABS, INC., COALITION FOR
REASONABLE VAPING REGULATION,
LONG YING INTERNATIONAL, INC.,
DAVID M. HO, and DOES 1-10 inclusive,

Defendants.

Case No. 4:20-cv-01613-HSG

**STIPULATION AND ORDER SETTING
DEADLINE FOR DEFENDANTS TO
ANSWER FIRST AMENDED COMPLAINT**

Hon. Haywood S. Gilliam
Action Filed: March 4, 2020
Trial Date: None Set

1 Plaintiffs Maria De La Luz Perez Bautista, Luz Perez Bautista, and Salvadora Correa
 2 (“Plaintiffs”) and Defendants Juul Labs, Inc., Coalition for Reasonable Vaping Regulation, Long Ying
 3 International, Inc., and David M. Ho (“Defendants”) (collectively, the “Parties”) hereby stipulate as
 4 follows:

5 RECITALS

6 WHEREAS, on September 9, 2020 the Court issued an Order Regarding Leave to File First
 7 Amended Complaint and Briefing and Hearing Schedule for Responsive Motions and Motion for
 8 Collective Action (“Order”) [Dkt. 76];

9 WHEREAS, the Order states, “Defendants’ Motion to Dismiss and/or Strike portions of the First
 10 Amended Complaint (hereafter “FRCP 12(b) Motion”) and/or Answers are due on October 1, 2020”
 11 [Dkt. 76];

12 WHEREAS, the Parties interpret the Order to mean that Defendants may file or join in motions
 13 under Federal Rule of Civil Procedure 12 in lieu of filing Answers to the First Amended Complaint;

14 WHEREAS, to the extent the Order intended for Defendants to file Answers *in addition* to filing
 15 or joining in Rule 12 motions by October 1, 2020, the Parties wish to stipulate that any Defendants filing
 16 or joining in Rule 12 motions by October 1, 2020 need not file Answers until fourteen (14) days after a
 17 ruling on such Rule 12 motions, unless the Court provides otherwise in such ruling or a subsequent order
 18 of the Court;

19 WHEREAS, such stipulation would be in the interest of efficiency and judicial economy, such
 20 that Defendants need not prepare Answers to a pleading that may or may not be the final operative
 21 complaint in this case, depending on how the Court rules on Defendants’ Rule 12 motions;

22 WHEREAS, Plaintiffs agree that they will not seek default against any Defendant on account of
 23 such Defendant failing to file an Answer on October 1, 2020 at the same time as filing or joining in a
 24 Rule 12 motion.

25 STIPULATION

26 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
 27 undersigned parties, through their undersigned counsel:

- 28 1. For Defendants that file or join in a motion under Federal Rule of Civil Procedure 12

with respect to Plaintiffs' First Amended Complaint, such Defendants' deadline to Answer the First Amended Complaint shall be set for fourteen (14) days after the Court's ruling on such motion(s), unless the Court provides otherwise in such ruling or a subsequent order of the Court.

2. For Defendants that elect not to file or join in a motion under Rule 12 with respect to the First Amended Complaint, such Defendants' deadline to file an Answer to the First Amended Complaint shall remain set for October 1, 2020.

DATED: October 1, 2020

LEONARD CARDER, LLP

By: /s/ Aaron D. Kaufmann
AARON D. KAUFMANN

GEORGE WARNER
Legal Aid at Work

*Attorneys for Plaintiffs Maria De La Luz Perez
Bautista, Luz Perez Bautista and Salvadora Correa*

DATED: October 1, 2020

FOLEY & LARDNER LLP

By: /s/ Eileen R. Ridley
EILEEN R. RIDLEY

Attorneys for Juul Labs, Inc.

DATED: October 1, 2020

THE SUTTON LAW FIRM

By: /s/ Bradley W. Hertz
BRADLEY W. HERTZ

*Attorneys for the Coalition for Reasonable
Vaping*

DATED: October 1, 2020

PRATHER LAW OFFICES

By: /s/ Sybil L. Renick
SYBIL L. RENICK

*Attorneys for David Ho & Long Ying
International, Inc.*

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1 *Filer's Attestation: Pursuant to Local Rule 5-1(i)(3), Eileen R. Ridley hereby attests that concurrence in*
2 *the filing of this document and its contents was obtained from all signatories listed.*

ORDER

Upon consideration of the stipulation filed by the Parties, IT IS HEREBY ORDERED as follows:

1. For Defendants that file or join in a motion under Federal Rule of Civil Procedure 12 with respect to Plaintiffs' First Amended Complaint, such Defendants' deadline to Answer the First Amended Complaint shall be set for fourteen (14) days after the Court's ruling on such motion(s), unless the Court provides otherwise in such ruling or a subsequent order of the Court.
2. For Defendants that elect not to file or join in a motion under Rule 12 with respect to the First Amended Complaint, such Defendants' deadline to Answer the First Amended Complaint shall remain set for October 1, 2020.

IT IS SO ORDERED.

DATED: October 2, 2020

UNITED STATES DISTRICT COURT

By: 
HAYWOOD S. GILLIAM, JR.
United States District Judge